

TRUSTEESHIP

PROPOSED TRUSTEESHIP AGREEMENT FOR THE
TERRITORY OF THE CAMEROONS UNDER BRITISH MANDATE
SUBMITTED BY THE UNITED KINGDOM GOVERNMENT

(Item 12 of the Provisional Agenda for the
Second Part of the First Session)

1. Letter of Transmittal to the Secretary-General of 21 October, 1946.
2. Text of Proposed Agreement.

United Kingdom Delegation
to the United Nations,
New York.

Ref. 101/87/46

21st October, 1946

Sir,

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to forward herewith copies of resolutions covering draft terms of trusteeship for the territories of Tanganyika, Togoland and Cameroons, now administered under mandates conferred upon His Britannic Majesty in accordance with Article 22 of the Covenant of the League of Nations. I am to request that these draft terms of trusteeship be circulated to the General Assembly of the United Nations for approval as in Article 85 of the United Nations Charter.

I have the honour to be,

Sir,

Your Excellency's obedient Servant,

(Signed) ALEXANDER CADOGAN

His Excellency
Mr. Trygve Lie,
Secretary-General,
United Nations,
Lake Success, Long Island.

REVISED DRAFT TERMS OF TRUSTEESHIP FOR BRITISH CAMEROONS

WHEREAS the territory known as Cameroons under British Mandate and hereinafter referred to as British Cameroons has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

Whereas Article 75 of the United Nations Charter signed at San Francisco on 26 June 1945, provides for the establishment of an International Trusteeship System for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

Whereas under Article 77 of the said Charter the International Trusteeship System may be applied to territories now held under Mandate; and

Whereas His Majesty has indicated his desire to place British Cameroons under the said International Trusteeship System; and

Whereas in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the International Trusteeship System is to be effected by means of a Trusteeship Agreement, the procedure for the approval of the terms of which by the United Nations is prescribed by Articles 79, 83 and 85 of the said Charter;

NOW THEREFORE the General Assembly of the United Nations, in accordance with Article 85 of the said Charter, having satisfied itself that the requirements of Article 79 of the said Charter have been complied with, hereby resolves to approve the following terms of trusteeship for British Cameroons.

Article 1

The territory to which this agreement applies comprises that part of the Cameroons lying to the west of the boundary defined by the Franco-British Declaration of 10 July 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons which was confirmed by the exchange of notes between

His Majesty's Government in the United Kingdom and the French Government of the 9 January 1931. This line may, however, be slightly modified, by mutual agreement between His Majesty's Government in the United Kingdom and the Government of the French Republic where an examination of the localities shows that it is desirable in the interests of the inhabitants.

Article 2

His Majesty is hereby designated as Administering Authority for British Cameroons, the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 3

The Administering Authority undertakes to administer British Cameroons in such a manner as to achieve the basic objectives of the International Trusteeship System laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to British Cameroons which they may deem necessary, at times to be agreed upon with the Administering Authority.

Article 4

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of British Cameroons and (b) for ensuring that it shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes and for all purposes of this agreement, as may be necessary, the Administering Authority:

- (a) shall have full powers of legislation, administration and jurisdiction in British Cameroons/British Togoland, and shall

administer it in accordance with his own laws as an integral part of his territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this agreement;

(b) shall be entitled to constitute British Cameroons into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and British Cameroons, where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement;

(c) and shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in British Cameroons and to take all such other measures as are in his opinion necessary for the defence of British Cameroons and for ensuring that the territory plays its part in the maintenance of international peace and security. To this end the Administering Authority may make use of volunteer forces, facilities and assistance from British Cameroons in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within British Cameroons.

Article 6

The Administering Authority shall promote the development of political institutions suited to British Cameroons. To this end the Administering Authority shall assure to the inhabitants of British Cameroons a progressively increasing share in the administrative and other services of the territory; shall develop the participation of the inhabitants of British Cameroons in advisory and legislative bodies and in the government of the territory, both central and local, as may be appropriate to the

particular circumstances of the territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of British Cameroons in accordance with Article 76(b) of the United Nations Charter. In considering the measures to be taken under this Article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5(a) of this Agreement, which provides for the administration of British Cameroons as an integral part of his territory.

Article 7

The Administering Authority undertakes to apply in British Cameroons the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstances of the territory and which would conduce to the achievement of the basic objectives of the International Trusteeship System.

Article 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred, except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created except with the same consent.

Article 9

The Administering Authority shall take all necessary steps to ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals and also equal treatment for the latter in the administration of justice, subject always to his over-riding

duty, in accordance with Article 76 of the United Nations Charter, to promote the political, economic, social and educational advancement of the inhabitants of British Cameroons, to carry out the other basic objectives of the International Trusteeship System, and to maintain peace, order and good government.

Article 10

Nothing in this agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations, the benefits of Article 9 of this agreement in any respect in which it does not give to the inhabitants, companies and associations of British Cameroons equality of treatment with the nationals, companies and associations of the state which it treats most favourably.

Article 11

The Administering Authority shall, as may be appropriate to the circumstances of British Cameroons, continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

Article 12

The Administering Authority shall ensure in British Cameroons complete freedom of conscience and, so far as is consistent with the requirements of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this agreement and the local law, missionaries who are nationals of Members of the United Nations shall be free to enter British Cameroons and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the territory. The provisions of this Article shall not, however, affect the right and duty of

the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of British Cameroons, and to take all measures required for such control.

Article 13

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of British Cameroons freedom of speech, of the press, of assembly, and of petition.

Article 14

The Administering Authority may arrange for the co-operation of British Cameroons in any regional advisory commission, regional technical organization, or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the United Nations Charter.

Article 15

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to British Cameroons are considered.

Article 16

Nothing in this agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this agreement for the purpose of designating the whole or part of the British Cameroons as a strategic area or for any other purpose not inconsistent with the basic objectives of the International Trusteeship System.

Article 17

The terms of this agreement shall not be altered or amended except as provided in Article 79 and Article 83 or 85, as the case may be, of the United Nations Charter.

Article 18

If any dispute whatever should arise between the Administering Authority and another member of the United Nations relating to the interpretation or application of the provisions of this agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.
